

TEMPORARY

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

SEP 22 1995

Date of filing in State Engineer's Office.....
 Returned to applicant for correction..... 10-5-95 under 61565-T
 Corrected application filed..... Map filed 12-8-81 under 44296

The applicant SMOKY VALLEY MINING DIVISION, COPPER RANGE COMPANY
P. O. BOX 480 of ROUND MOUNTAIN
Street and No. or P.O. Box No. City or Town

NEVADA 89045 hereby make... Application for permission to change the
State and Zip Code No.
Point of Diversion and manner of use
Point of diversion, manner of use, and/or place of use
 of water heretofore appropriated under Permit #44297
Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.

- The source of water is underground
Name of stream, lake, underground spring or other source.
- The amount of water to be changed 3.0 cfs
Second feet, acre feet. One second foot equals 448.83 gallons per minute.
- The water to be used for dewatering, mining and milling
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
- The water heretofore permitted for domestic, mining and milling
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
- The water is to be diverted at the following point SE1 NE1, S30, T10N, R44E, M.D.B.&M
Describe as being within a 40-acre subdivision of public survey and by course and distance to a section corner. If on unsurveyed land, it should be stated.

- The existing permitted point of diversion is located within NW1 SW1, S19, T10N, R44E, at a
point from which the SW corner of said Section 19 bears S18°, 48'W, 2098 ft.
If point of diversion is not changed, do not answer.

- Proposed place of use M.D.B.&M., (portions unsurveyed) and Sections 13, 23, 24, 25, 26, 35 and 36, T10N, R43E, M.D.B.&M. and Sections 1 & 2 T9N, R43E
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

- Existing place of use within Sections 17, 18, 19, 20, 29 & 30, T10N, R44E, M.D.B.&M.
(portions unsurveyed) and Sections 13, 23, 24, 25, 26, T10N, R43E, M.D.B.&M.
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.

- Use will be from January 1 to December 31 of each year.
Month and Day Month and Day
- Use was permitted from January 1 to December 31 of each year.
Month and Day Month and Day
- Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) drill and case well in pit with electric motor and submersible pump.
State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes, or drilled well, etc.
- Estimated cost of works \$75,000.00
- Estimated time required to construct works One (1) year

14. Estimated time required to complete the application of water to beneficial use..... Two (2) years

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

Compared..... cl/bk cl/bk

By..... s/William Schrand
P. O. Box 480
Round Mountain, NV 89045

Protested.....

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This temporary permit to change the point of diversion, place of use and manner of use of the waters of an underground source as heretofore granted under Permit 44297 is issued subject to the terms and conditions imposed in said Permit 44297 and with the understanding that no other rights on the source will be affected by the change proposed herein. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. This source is located within an area designated by the State Engineer pursuant to NRS 534.030.

This temporary permit will allow the permittee to dewater the pit area.

It is understood that any water pumped as a result of the production and dewatering operation shall be used first by the permittee for mining, milling, heap leaching, drilling, road watering and other related mining uses within the described place of use on this permit.

The State Engineer retains the right to regulate pumping from the dewatering project and/or any other groundwater withdrawals herein authorized to protect the public interest and existing rights. Any water pumped and not used for mining and milling purposes shall be infiltrated back to the Smoky Valley Groundwater Basin. The permittee shall discharge water in a manner to achieve maximum conservation of the water resource. It is understood that this right must allow for a reasonable lowering of the static water level.

(CONTINUED ON PAGE 2)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed..... 3.0 cubic feet per second, but not to exceed 2172.0 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before.....

Proof of completion of work shall be filed before.....

Application of water to beneficial use shall be made on or before.....

Proof of the application of water to beneficial use shall be filed on or before.....

Map in support of proof of beneficial use shall be filed on or before.....

Completion of work filed.....

Proof of beneficial use filed.....

Cultural map filed.....

Certificate No. Issued.....

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.
State Engineer of Nevada, have hereunto set my hand and the seal of my

office, this..... 13th day of November.....

A.D. 19..... 95.....

R. Michael Turnipseed
State Engineer

WITHDRAWN BY APPLICANT

JAN 08 1996

STATE ENGINEER

(PERMIT TERMS CONTINUED)

The State Engineer will retain the right to require additional monitoring of the water levels in observation and monitor wells and of the flow rates of surface sources. The permittee, on a schedule acceptable to the State Engineer, shall prepare and present an update on the activities of the mine and the monitoring on a periodic basis, but not less than two times per year.

This temporary permit does not extend the permittee the right of ingress and egress on public, private or corporate land.

The issuance of this temporary permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies and is specifically issued contingent upon approval by the Nevada Division of Environmental Protection of the dewatering project.

The total combined duty of water for consumptive purposes under Permits 536; 1077, Certificate 267; 2908, Certificate 353; 3898, Certificate 2347; 12442, Certificate 3831; 12445, Certificate 3832; 12768, Certificate 3751; 14119, Certificate 4889; 26650, Certificate 13904; 26652, Certificate 13905; 44297; 44299; 44300, Certificate 13174; 50971; 51577; 51578; 52083; 53365; 55498; 55500; 55501; 55502; 55503; 59217; 59218; 61086-T, 61087-T, 61565-T, 61566-T, 61567-T and 61568-T shall not exceed 13,910.0 acre-feet annually.

A monthly report shall be submitted to the State Engineer within 15 days after the end of each calendar quarter which shall include: (A) The volume of water pumped from each well, (B) The measurement of pumping water level (drawdown) from each production, dewatering and monitoring well, (C) The volume of water consumptively used for mining and milling uses projectwide, (D) The volume of water used for dust control purposes projectwide, and (E) The amount of water discharged for infiltration.

A method that estimates the amount of evaporative losses from the discharge system shall be submitted with the monthly report. The evaporative losses will be considered as part of the combined duty for consumptive purposes.

The State Engineer retains the right to impose future conditions as necessary upon review and evaluation of all data submitted reporting on the dewatering program, water use and the monitoring plan. The State Engineer retains the right to regulate pumping from the dewatering project and/or any other groundwater withdrawals herein authorized to protect the public interest and existing rights.

All of the above stated conditions are subject to having no adverse impacts on existing rights.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on November 12, 1996, at which time all rights herein granted shall revert to the right being changed by this temporary permit.